

1 HANSON BRIDGETT MARCUS VLAHOS & RUDY, LLP
2 SUSAN G. O'NEILL - 115133
3 gweng@hansonbridgett.com
4 GARNER K. WENG - 191462
5 gweng@hansonbridgett.com
6 BARBARA L. FRIEDMAN
7 bfriedman@hansonbridgett.com
8 425 Market Street, 26th Floor
9 San Francisco, CA. 94105
10 Telephone: (415) 777-3200
11 Facsimile: (415) 541-9366

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12 Attorneys for Plaintiff
13 BLUE CROSS AND BLUE SHIELD ASSOCIATION

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 BLUE CROSS AND BLUE SHIELD
17 ASSOCIATION, an Illinois not-for-profit
18 corporation,

19 Plaintiff,

20 v.

21 DIGI REAL ESTATE FOUNDATION, et
22 al.,

23 Defendants.

No. C 07 5009 RS

~~PROPOSED~~ STIPULATED FINAL
ORDER

(First through Sixth Claims for Relief Only)

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1 current registrars to MarkMonitor (or such other registrar as designated by BCBSA)—which
2 registrar is directed to promptly register these domain names in the name of BCBSA.

3 5. For the domain names listed on Exhibit 2 to this ORDER, VeriSign, Inc., as the
4 registry of these domain names, is directed pursuant to Section 1125 of Title 15 of the United
5 States Code to immediately change the registrars of record for the domain names from the current
6 registrars to MarkMonitor (or such other registrar as designated by BCBSA)—which registrar is
7 directed to promptly register these domain names in the name of BCBSA.

8 6. Within five court days of the entry of this ORDER, Defendants will initiate the
9 transfer of ownership of the registrations of the following domain name to BCBSA:
10 BCBSKS.ORG. Defendants will use best efforts to perform all necessary acts to complete the
11 transfer of this registration.

12 7. If, within ten calendar days of the entry of this ORDER, the domain name
13 BCBSKS.ORG has not been fully and effectively transferred to BCBSA, the Public Interest
14 Registry, as the registry of this domain name, is directed pursuant to Section 1125 of Title 15 of
15 the United States Code to promptly change the registrar of record for the domain name from the
16 current registrar to MarkMonitor (or such other registrar as designated by BCBSA)—which
17 registrar is directed to promptly register these domain name in the name of BCBSA.

18 8. Defendants Digi Real Estate Foundation, Johar, Kovyrin, and Galt Networks—
19 their principals, officers, agents, servants, employees, aliases, those persons or entities under their
20 control or in active concert or participation with them (directly or indirectly), and their successors
21 in interest—are hereby permanently restrained from:

22 (a) directly or indirectly registering or maintaining the registration for an
23 Internet domain name that constitutes or incorporates any of the following:

- 24 (i) any of the domain names listed on Exhibits 1 and 2 to this ORDER;
25 (ii) any of the BCBS Marks;
26 (iii) any or all of the terms “BCBS” or “BCBSA”;
27 (iv) any or all of the terms “BLUE CROSS,” “BLUECROSS,” “BLUE
28 SHIELD,” or “BLUESHIELD”;

- 1 (v) the term "BLUECARD";
- 2 (vi) any or all of the terms "BLUE," "BC," or "BS" in proximity or in
- 3 connection with any of the terms describing any facet of BCBSA's
- 4 current business as described at the Web site accessible at
- 5 www.bcbs.com, which includes without limitation: "HEALTH,"
- 6 "HEALTHCARE," "FSA," "HMO," "PPO," "HSA," "HRA,"
- 7 "INSURANCE," "MEDICAL," "MEDICINE,"
- 8 "PRESCRIPTION," "BENEFITS," "MEDICARE,"
- 9 "PHYSICIAN," "DENTIST," "PLAN," "CLINIC," "PROVIDER,"
- 10 "CARE," "LABORATORIES," "COVERAGE," "WELLNESS,"
- 11 "RX," "HOSPITALS," "ENROLLMENT," "COBRA,"
- 12 "DENTAL," "PHARMACY," or "DRUG,"—or any slight
- 13 variation of any of these terms such as: plurals or singular versions;
- 14 the addition of dashes or underscore characters ('-' or '_'); or
- 15 variations suggesting misspellings or typographical errors (such as
- 16 omission or repetition of one of the characters in a term).;
- 17 (vii) any name of a BCBS Plan—including without limitation
- 18 "PREMERA," "ANTHEM," "CAREFIRST," "WELLMARK,"
- 19 "HORIZON," "EMPIRE," "EXCELLUS," "CAPITAL,"
- 20 "HIGHMARK," "INDEPENDENCE," "MOUNTAIN STATE," or
- 21 "REGENCE"—in proximity or in connection with any or all of the
- 22 terms "BLUE," "BC," or "BS" or any of the terms set forth in
- 23 Subsections (iii), (iv), or (v), above; or
- 24 (viii) any slight variation of the above such as: plurals or singular
- 25 versions; the addition of dashes or underscore characters ('-' or
- 26 '_'); or variations suggesting misspellings or typographical errors
- 27 (such as "BLU" instead of "BLUE" or repetition of one of the
- 28 characters in a term).

1 (b) directly or indirectly registering or applying to register as a trademark,
2 service mark, or trade name constituting or incorporating any trademark,
3 service mark, or trade name including or confusingly similar to any of the
4 BCBS Marks—or maintaining any such registrations.

5 9. In any action to enforce this ORDER or any matter arising out of a violation of this
6 ORDER, the prevailing party will recover its reasonable associated attorneys' fees and costs.

7 10. This ORDER will be binding on and inure to the benefit of all parties hereto—and
8 their assigns and successors in interest. The waiver by one party of any breach of this ORDER by
9 another party will not be deemed a waiver of any other prior or subsequent breach of this
10 ORDER.

11 11. The First, Second, Third, Fourth, and Fifth Claims for Relief in the Complaint in
12 this action are dismissed with prejudice as against Defendants Digi Real Estate Foundation, Johar,
13 Kovyryn, and Galt Networks. The Sixth Claim for Relief in the Complaint in this action is also
14 dismissed with prejudice.

15 12. This Court retains jurisdiction of this matter and over the parties to this action for
16 the limited purpose of enforcing the terms of this ORDER and the terms of the parties' written
17 settlement agreement.

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19 Dated this 24th day of January, 2008.

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23 HONORABLE RICHARD SEEBORG
24 UNITED STATES MAGISTRATE JUDGE

Exhibit 1

REGENCEBLUECROSSBLUESHIELDFOREGON.COM
BCBSOFNORTHCAROLINA.COM
BLUECROSSBLUESHIELDSC.COM
BCBSOFMA.COM
BCBSOFOK.COM
BCSNC.COM
BCBSOKLAHOMA.COM
BCBSNORTHCAROLINA.COM
FEDERALBLUECROSSBLUESHIELD.COM
BCBSMISSOURI.COM
SASKATCHEWANBLUECROSS.COM
BLUECROSSBLUESHIELDOFMARYLAND.COM
BLUECROSSCOLORADO.COM
BBLUECROSSCA.COM
BLUECROSSBLUESHILD.COM
BLUECROSSBLUESHEILDS.COM
BLUECOSSCA.COM
BLUECROSSBLUESHIELDCA.COM
BUECROSS.COM
BLUECROSSBLUESHIELDTN.COM
BLUECROSSBLUESHEILD OFILLINOIS.COM
BLUECROSSBLUESHEALD.COM
BLUECROSSNV.COM
BLUECROSSIDAHO.COM
BLUECROSSINTEXAS.COM
BLUESHIEL.COM
BLUESHILED.COM
WWWBLUECROSSBLUESHIELD.COM
BLUESHIELDPLANS.COM
BLUECROSS65.COM
BLUECROSSHMO.COM
BLUECROSSMASS.COM
BLUECROSSTX.COM
BLUESHIED.COM
BLUECROSSFL.COM
BLUESHELD.COM
WWWBLUECROSSMN.COM
BLUECROSSMEDICALINSURANCE.COM
BLUECROSSSC.COM
BLUECROSSMO.COM
BLUECROSSMI.COM

Exhibit 1 (continued)

WWWBLUECROS.COM
BLUESSHIELD.COM
BUESHIELD.COM
BLUESIELD.COM
BBLUESHIELD.COM
BCBSKANSAS.COM
BLUECROSSBLUESHIELD OF RHODE ISLAND.COM
MANITOBABLUECROSS.COM
BLUECROSSBLUESHIELD OF PENNSYLVANIA.COM
BLUECROSSBLUESHIELD OF WISCONSIN.COM
BLUECRSSMN.COM
BCBSC.COM
BCBSKS.ORG
BLECROSSMA.COM
INDEPENDENCEBLUECROSS.COM
BLUECROSSBLUESHIELD.COM
BLUECRROSS.COM
MOUNTAINSTATEBLUECROSSBLUESHIELD.COM
BLUECROSSBLUESHIELD OF ILLINOIS.COM
HIGHARKBCBS.COM
FEDERALBLUECROSS.COM
BLUECROSSPPO.COM
BLUECROSSDENTALPLAN.COM
BLUECROSSBLUESHIELD OF CALIFORNIA.COM
BLUECROSS OF GEORGIA.COM
BLUECROSSBLUESHIELD OF NC.COM

Exhibit 2

BLUECROSSBLUESHIELDNC.COM
BLUECROSSCLUESHIELD.COM
BLUECROSSBLUESHIELDOFOKLAHOMA.COM
BLUECROOSSCA.COM
BCBSMINNESOTA.COM
BLUECRSS.COM
BCBSSOUTHCAROLINA.COM
BLUESHEILDOFCA.COM
BLUECROSSBLUESHIELDRI.COM
BCBSHORIZON.COM
BLUECROSSOFMINNESOTA.COM
BLUECORSSMA.COM
BCBSOREGON.COM
BLUESHIELD.COM
BCBSOFDE.COM
EMPUREBLUE.COM
BLUESHIELLD.COM
BLUESHIEELD.COM
BLUECROSSBLUESHIELDOFMN.COM
BLEUCROSSCA.COM
BLUECROSSBLUESHIELDDENTAL.COM
BLUECROSSBLUESHIELDPPO.COM